

USDC/ATTY-003 (Rev. 2/07) | LR 16.1 Report of Parties Planning Meeting

**UNITED STATES DISTRICT COURT****SOUTHERN DISTRICT OF WEST VIRGINIA**AT **SELECT ONE:**

ERIK C. CURRAN

**V.**

AMAZON.COM, INC., et al

**REPORT OF PARTIES' PLANNING MEETING****CASE NUMBER 2:07-C-354*****Guideline for parties and attorneys:***

The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at [www.wvwd.uscourts.gov](http://www.wvwd.uscourts.gov)) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on July 9, 2007. Those participating were:

Charles M. Love, IV for plaintiff(s)J. Tinney, Jr. I. Ballon, W. Mantell for defendant(s) CafePress.comDavid Barnette for defendant(s) Amazon.Com, & St. Martin's PressAndrew cooke for defendant(s) Getty Images, Inc.

2. Pre-Discovery Disclosures. The parties will exchange by August 31, 2007 the information required by Fed.R.Civ.P. 26(a)(1).

3. Plaintiff(s) should be allowed until September 30, 2007 to join additional parties and until October 15, 2007 to amend the pleadings. Defendant(s) should be allowed until November 15, 2007 to join additional parties and until November 15, 2007 to amend the pleadings.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan:  
[Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects:

Liability and Damages. Discovery will be needed consistent with the allegations in the Complaint, Answer and pending Motions to Dismiss according to the defendants.

Disclosure of electronically stored information should be handled as follows:

In accordance with Federal Rules of Civil Procedure

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

The parties defer protective order issues until discovery requests are exchanged.  
No agreement at this time.

This action is not suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is:

The last date to serve discovery requests is February 1, 2008. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the "discovery completion date." [Discovery on liability and damages to be completed by March 17, 2008.]

The parties do adopt the discovery limits set forth in the Federal Rules of Civil Procedure. If the parties and attorneys believe that more discovery is needed, the basis for that belief is:

Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: December 1, 2007;

By the party not bearing the burden of proof on an issue: January 15, 2008; and  
Expert witness disclosures intended solely to contradict or rebut evidence on the same issue  
identified by another party: February 15, 2008.

5. Magistrate judges will resolve discovery disputes. The parties do not consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.
6. Mediation shall take place on or before March 15, 2008.
7. Potential dispositive motions shall be filed by April 15, 2008, with responses and replies filed according to the Local Rules.
8. The parties request a pretrial conference in May 15, 2008.  
The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before April 15, 2008.  
The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before May 1, 2008.
9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chamber s of the presiding judicial officer in WordPerfect format on or before N/A.
10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before N/A.
11. A final settlement conference will take place on May 15, 2008.

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12. The case should be ready for trial by June, 2008, and at this time is expected to take approximately 3 to 4 days days.

The parties Select:          a conference with the court before entry of the scheduling order.

         s/Charles M. Love, IV

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